

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**HENRY C. KINDS**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 4:09CV93-M-S**

**CITY OF GREEWOOD et al.**

**DEFENDANTS**

**ORDER SUBSTITUTING PARTY DEFENDANT**

This matter came before the court on plaintiff's unopposed motion to Substitute Real Parties in Interest (# 26), requesting that previously unknown defendants designated as John Does in the complaint, be substituted with Officer Michael Baldwin, Officer Jerry Foster, and Officer Franklin Caswell. After considering the motion and the record in this case, the Court finds the motion is more appropriately made as a motion to amend the complaint.

Pursuant to the Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party's pleading only by leave of court; and leave shall be freely given when justice so requires.

The court finds this motion well taken.

IT IS, THEREFORE, ORDERED:

- That plaintiff's motion is hereby GRANTED, and
- That the plaintiff must file separately an amended complaint adding officers Baldwin, Foster and Caswell as defendants in this action within five days of entry of this order, and
- Once the additional defendants have answered the amended complaint, the court will set a case management conference and re-set deadlines in this case.

SO ORDERED, this the 11<sup>th</sup> day of May, 2011.

/s/David A. Sanders  
UNITED STATES MAGISTRATE JUDGE

